

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:14CR37
)	
Plaintiff,)	
)	
vs.)	TENTATIVE FINDINGS
)	
THOMAS D. ASHBURN,)	
)	
Defendant.)	

The Court has received the Revised Presentence Investigation Report and Addendum ("PSR"), and the parties' objections (Filing Nos. 112, 113 and 115)¹. See Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

Accordingly,

IT IS ORDERED:

1. The government's Objection to Presentence Investigation Report and Plaintiff's Statement (Filing No. 113) and the Defendant's Objections to Presentence Investigation Report and Statement of Defendant (Filing Nos. 112 and 115) will be heard at the sentencing hearing;
2. The Court intends to adopt the PSR in all other respects;
3. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion

¹The Court advises that the standing order referenced by the parties in Filing Nos. 113 and 115 was rescinded on August 6, 2004. (See District Court's webpage: <http://www.ned.uscourts.gov/>.) In the future, parties should follow the deadlines set forth in the Court's Order on Sentencing Schedule filed in the case.

challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

4. Absent submission of the information required by paragraph 3 of this Order, these tentative findings are final; and

5. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 26th day of January, 2016.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge